04/04/24 • BIG TECH › NEWS

'Huge Win': Court Rules Big Telecom Must Comply With State Environmental Laws

A Los Angeles County Superior Court judge last week ruled that federal law does not preempt California's state environmental law, which requires environmental impact reviews before telecom companies can apply for permits to build new wireless infrastructure on scenic highways and historic sites.

By Suzanne Burdick, Ph.D.

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Los Angeles County officials must comply with state environmental law when issuing permits for new wireless infrastructures, a Los Angeles County Superior Court judge ruled.

The ruling is a win for Children's Health Defense (CHD) and a coalition of community and environmental groups in a historic case challenging the fast-tracked proliferation of wireless infrastructure in Los Angeles County.

W. Scott McCollough, lead attorney for the plaintiffs, said in a press release, "The court's ruling is a huge win in the battle against unfettered proliferation of wireless because of the known risks to the environment and people's health."

McCollough — lead litigator for CHD's Electromagnetic Radiation (EMR) & Wireless cases, added: "There is much more to be done, and we work on it every day, but this is a significant step in the right direction."

The lawsuit alleged Los Angeles County violated California's state environmental

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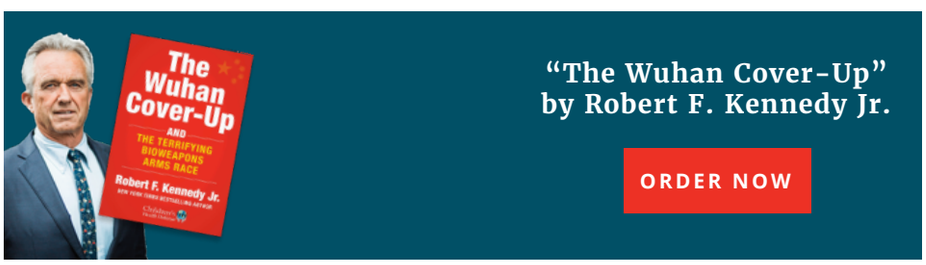
law — the California Environmental Quality Act (CEQA) — when it passed two ordinances allowing telecommunications companies to install wireless infrastructure without environmental review.

CEQA requires public agencies to "look before they leap" by considering the environmental consequences of their proposed actions.

The county claimed wireless projects were exempt from CEQA review, but Judge James C. Chalfant disagreed.

In his 65-page opinion, Judge Chalfant said that state environmental law generally applies to wireless projects and is only preempted by federal law — in this case, the Telecommunication Act of 1996 — when it comes to minor modifications and "collocations," meaning additions to existing towers, upgrades or repairs.

The judge also noted that an environmental impact analysis is necessary for proposed wireless projects, like 5G small cells or cell towers, along scenic highways or historical sites.



Miriam Eckenfels-Garcia, director of CHD's EMR & Wireless program, called the judge's ruling "hugely important" because it established the legal principle that state environmental law isn't preempted by federal law, so it must be taken into consideration when it comes to the placement of cell towers.

"Our EMR and wireless litigation strategy is testing the limits of federal preemption in this space," Eckenfels-Garcia told The Defender, "as we are trying to establish and secure what states and local authorities can do to protect the public and the environment from harmful RF [radiofrequency] radiation."

The local level is where people have influence, she said, so we need to preserve as many state and local rights as possible.

"Knowing that state environmental laws can be used to slow down the uncontrolled wireless rollout and stop some of these towers is a big win for us and something that will empower communities across the country to fight back."

The judge gave both parties until May 7 to respond to his ruling.

McCollough told The Defender the legal team is "considering seeking further review of certain issues."

In addition to CHD, plaintiffs in the suit include Fiber First LA, Mothers of East LA, Boyle Heights Community Partners, United Keetoowah Band of Cherokee Indians in Oklahoma, Union Binacional de Organizaciones de Trabajadores Mexicanos Ex Braceros 1942-1964, California Fires & Firefighters, Malibu For Safe Tech, EMF Safety Network, California for Safe Technology and 5G Free California.

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Suzanne Burdick, Ph.D.

Suzanne Burdick, Ph.D., is a reporter and researcher for The Defender based in Fairfield, Iowa.

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Crazy 4 Color
20 days ago
A family friend died from excess radiation cumulative from those rotten towers out there.
9 0 Reply

Jamie Murphy → Crazy 4 Color
20 days ago
So sorry to hear that. Peace.
3 0 Reply

Janet FitzGerald → Crazy 4 Color
20 days ago
I'm so sorry to hear that. May God help us all, along with good lawyer and determined advocates, and occasional non-compromised and courageous legislators
2 0 Reply

Valerie
20 days ago
Thank you for all you do!
6 0 Reply

Jamie Murphy
20 days ago
Congratulations on your court victory.
5 0 Reply

Jay Haller
20 days ago
Great article Suzanne and awesome work by the CHD team! Scott is our only hope in regulating this industry and he's doing a great job and putting in a ton of hours behind the scene. Thank you to all of you!
4 0 Reply

Vivienne
20 days ago
This counts as good news!

2 0 Reply

TJ
17 days ago

In Highland Park neighborhood of Saint Paul Minnesota. A Government Public HOusing hi-rise apartment building housing 144 residents has 54 5G cell towers on its 12th floor. All of the residents are sick and look like red zombies. Many die here. Headaches, dizziness, developing rashes, cancer diagnosis plagues all those people. Just driving by and looking at their roof you can't help but think "those poor people"

1 0 Reply

jann
18 days ago

Great job, CHD! Most people I know don't even think that wireless tech is a problem. The gov't wouldn't allow it if it was unsafe, would it?

1 0 Reply

Barbie Lake jann
17 days ago edited

The government knows. This is depopulation, population control, how many live and die or become dependent on big pharma and essentially making billions and trillions of dollars all the while. And oh, don't forget the spying that is going on.

1 0 Reply

Kathy Bates
19 days ago

HelpNeededInTheOzarks.org You can only imagine what's going on here in the Ozarks. Go to the link and look at the right hand column and the IMAGES THAT TEACH category and you'll see. I've been writing, calling, emailing every official I can think of for almost 5 years. NOBODY WILL EVEN RESPOND TO MY INQUIRIES. It feels to me like the utility CORPORATION here is mafia. They have a VERY BAD attitude...VERY COCKY as in "YOU CAN'T TOUCH US" and that means they're probably right. GOD IS WATCHING! I keep reminding every one I write... "Answer for this here and now or answer to THE CREATOR later...your choice." HelpNeededInTheOzarks.org and NoATT.blog is also useful.

1 0 Reply

Gary Brown
19 days ago

Good, that's a step in the right direction.

Mar 9, 2024 Dr Devra Davis on Precautionary Paper on Wireless Radiation Environmental Research

The peer-reviewed journal Environment: Science and Policy for Sustainable Development has featured Environmental Health Trust (EHT) in its cover article "Applying the Precautionary Principle to Wireless Technology: Policy Dilemmas and Systemic Risks."

see more

1 0 Reply

Ektor
19 days ago

For now. Who is going to police this? The states are broke and the feds don't care.

1 0 Reply

Barbie Lake
17 days ago

A new tower is going up near my home and I've been protesting it for almost 2 years. Just called the mayor and left a message regarding the construction of the tower which I see has begun. I hope this ruling will do something to halt the construction or make them liable to relocate me. thank you for this. Gives me a little hope after being driven from one home that we owned and had to abandon over 20 years ago after a tower was placed 1000 feet behind our property. 7 neighbors died within the first 2 years and my 3 children became so sick we had to run for our lives. The world is in a very ugly place regarding wireless technology and it must be stopped.

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Barbara Elliott Pharr

17 days ago

Wonderful news, I pray more states will take it from here and stop this 5 G madness.

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